

March 31, 2022

Mayor Francis X. Suarez
Miami City Hall
3500 Pan American Drive
Miami, FL 33133

Copies to: City Commissioners, City Clerk Todd B. Hanson, City Attorney
Victoria Méndez, Miguel A. De Grandy, Stephen M. Cody

Via email

Re: City of Miami Redistricting

Dear Mayor Suarez,



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Suite 400
Miami, FL 33134
www.aclufi.org

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Last week, the City Commission passed a new redistricting map that raises grave concerns. Public opposition to the map has been sustained and robust. We urge you to listen to the voices of Miamians and veto this map to uphold the principles of fair representation, equality, and good governance that we all value.

There are many reasons to reject this map—its dissection of neighborhoods, its emphasis on advancing incumbents' personal and political advantage to the exclusion of the public good, its lack of respect for communities of interest, the failure to make the final amended map publicly available, etc. But we wish to highlight just one major reason, which we also raised with the City Commission a month ago.

We are concerned that the Commission has adopted an arbitrary numerical demographic target for District 5. Commissioners and their consultants repeatedly made clear in meetings that they set a quota of 50% Black voting-age population (BVAP) for this district. It is also clear that the City has conducted no functional analysis to determine what share of the population or electorate is necessary for District 5 to usually allow Black voters the opportunity to elect candidates of their choice.

Such an express racial target, divorced from such a functional analysis to determine what is necessary to achieve compliance with the Voting Rights Act, raises equal protection concerns.¹ Furthermore, over-concentrating Black voters in District 5 above and beyond what is necessary to afford that opportunity to elect preferred candidates may constitute unlawful "packing."

¹ See, e.g., *Cooper v. Harris*, 137 S. Ct. 1455 (2017); *Bethune-Hill v. Virginia State Board of Elections*, 137 S. Ct. 788 (2017).

PLAINTIFFS' TRIAL
EXHIBIT

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As we shared in our earlier letter, voter registration and actual turnout data for current and proposed District 5 reveal that Black voters make up a substantially *higher* share of registered voters and actual voters than the Census figures indicate. While the existing District 5 has a BVAP of **52.9%**, Black voters make up about:

- **57.6%** of registered voters;
- **55.8%** of actual voters at the most recent state general election; and
- **62.0%** of actual voters at the most recent state primary election.

The newly proposed District 5 has a BVAP of 50.3%—just over the Commission’s 50% target—but Black voters make up about:

- **56.2%** of registered voters;
- **53.8%** of actual votes at the most recent state general election;
- **60.2%** of actual voters at the 2018 state general election; and
- **61.9%** of actual voters at the most recent state primary election.



Furthermore, we have analyzed the newly proposed District 5 to estimate how Black-preferred candidates have fared in recent probative elections.² We estimate that these Black-preferred candidates would have garnered the following share of the vote inside the new District 5:

Election	Office	Black-Preferred Candidate	Vote Share	Non-Black Preferred Candidate	Vote Share
2020 General	President	Biden	83.3%	Trump	15.7%
2020 General	County Mayor	Levine Cava	82.2%	Bovo	17.8%
2020 Primary	Circuit Judge Grp. 55	Adebayo	59.4%	Perkins	40.6%
2018 General	Governor	Gillum	90.9%	DeSantis	8.3%
2018 General	Circuit Judge Grp. 14	Gordon	76.2%	del Rio	23.8%

All five Black-preferred candidates enjoyed robust—often overwhelming—majorities within the proposed District 5, even with its bare-majority BVAP.³ This analysis suggests that Black voters can maintain an ability to elect candidates of choice even if the BVAP were to drop below 50%.

² While there have been no recent competitive municipal elections, either in District 5 or for citywide office, we analyzed five competitive races that together provide a probative cross-section of different types of races, including nonpartisan local elections.

We determined the Black-preferred candidate by conducting an ecological inference (EI) analysis within the City of Miami, using precinct election results and racial demographic data from the Supervisor of Elections, ALARM Project, Voting and Election Science Team (VEST), and Census Bureau.

³ Notably, even in races where Black-preferred candidates lost citywide or won narrowly citywide (the two judicial races), those Black-preferred candidates won comfortably in proposed District 5.

We urge you and the Commission to take the full breadth of available information and data into account when reviewing these districts, rather than looking merely at the surface-level Census population totals. Those Census figures do not tell the full picture and are inadequate to gauge compliance with the Voting Rights Act.

In sum, this redistricting proposal is bad for Miamians and raises grave issues of fairness and equity. Your veto of this map would send a message that the people's right to fair representation should never be up for debate. We urge you to return this map to the Commission, which can then go back to the drawing board and craft an equitable plan that values the voices and representation of all Miami residents.



Sincerely,

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